

Decision 98-04-020 April 9, 1998

APR - 19 1998

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the Commission's Own Motion into Competition for Local Exchange Service.

Rulemaking 95-04-043  
(Filed April 26, 1995)

Order Instituting Investigation on the Commission's Own Motion into Competition for Local Exchange Service.

**ORIGINAL**  
Investigation 95-04-044  
(Filed April 26, 1995)

**ORDER MODIFYING DECISION 95-12-057**

On February 12, 1998, petitioner, MediaOne Telecommunications of California, Inc. (MediaOne) filed a Petition for Modification of MediaOne's Certificate of Public Convenience and Necessity (Petition) to provide telecommunications service in California, which was granted in Decision (D.) 95-12-057.<sup>1</sup> In its petition, MediaOne requests modification of D.95-12-057 to expand its previously granted facilities-based local exchange authority to also offer interLATA (Local Access Transport Area) resale services. MediaOne has not previously received express authority to offer interLATA resale from this Commission.

MediaOne notes that the Commission granted similar authority in D.98-02-038, by which it allowed Petitioner Accelerated Connections, Inc. (ACI) to modify its existing authority to provide resold interLATA, intraLATA toll and

<sup>1</sup> MediaOne was formerly known as Continental Telecommunications of California, Inc. (Continental) at the time D.95-12-057 was issued. Its name change has been certified by the Secretary of the State of California.

local exchange services. MediaOne asserts that it is similarly situated to ACI in that it now requests that its existing facilities-based competitive local carrier (CLC) and intraLATA toll authority granted in D.95-12-057 be modified to include resold interLATA service.

MediaOne states that the information contained in its previously-filed petition for facilities-based CLC authority, including the financial information, list of potential competitors, the territory where MediaOne will offer service and operating costs is still materially correct and should be considered in establishing MediaOne's provision of interLATA resale service. Likewise, MediaOne will utilize the same facilities and staff to provide its resold interLATA service as are utilized for its CLC operations.

MediaOne also affirms that, to the best of its knowledge, neither MediaOne, any affiliate, officer, director, partner, nor owner of more than 10% of MediaOne, or any person acting in such capacity whether or not formally appointed, has been sanctioned by the Federal Communications Commission or any state regulatory agency for failure to comply with any regulatory statute, rule or order. MediaOne further affirms that no affiliate, officer, director, partner, or person owning more than 10% of MediaOne, or anyone acting in such a capacity, held one of these positions with an interexchange carrier (IEC) that filed for bankruptcy, nor has been found either criminally or civilly liable for a violation of § 17000 et seq. of the California Business and Professions Code, or for any actions which involved misrepresentations to customers.

#### **Discussion**

No party to this proceeding, nor any of MediaOne's competitors, would be prejudiced by the Commission's expedited modification of D.95-12-057 to expand MediaOne's authority to offer interexchange resale services. The Commission has already performed an environmental assessment of MediaOne's local

exchange facilities, which resulted in the issuance of a Negative Declaration. (See D.95-12-057.) No further environmental review is necessary to grant this Petition. Since this Commission has already reviewed and approved MediaOne's authority for facilities-based service, this Petition is noncontroversial and does not raise any material issues of fact. Therefore, we shall grant MediaOne's Petition for Modification of D.95-12-057 on an expedited ex parte basis, as directed below. MediaOne has previously satisfied all the requirements to become a nondominant interexchange reseller, including the requisite financial showing of \$25,000 and the requisite showing of technical expertise.

#### **Findings of Fact**

1. In D.95-12-057 MediaOne, under its former name of Continental Communications of California, Inc. was granted authority to offer facilities-based local exchange service within the service territories of Pacific Bell and GTE California Incorporated.

2. MediaOne did not explicitly ask for, nor was it granted, interLATA resale authority from this Commission.

3. MediaOne has formally petitioned this Commission to have its operating authority modified to include interLATA resale authority.

4. The showing which MediaOne previously made in support of its facilities-based local exchange authority also provides support for its requested resale-based interexchange authority.

#### **Conclusions of Law**

1. No party to this proceeding would be prejudiced by the Commission's expedited granting of MediaOne's Petition for Modification pursuant to Rule 15(d) of the Commission's Rules of Practice and Procedure.

2. D.95-12-057 should be modified as set forth in the order below.

IT IS ORDERED that Decision (D.) 95-12-057 is modified as follows:  
D.95-12-057 is modified to authorize MediaOne Telecommunications of California, Inc. (formerly known as Continental Telecommunications of California, Inc.) to provide resold interLATA (Local Access Transport Area) services within California pursuant to the terms and conditions outlined in D.95-12-057.

This order is effective today.

Dated April 9, 1998, at San Francisco, California.

RICHARD A. BILAS  
President  
P. GREGORY CONLON  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners